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PATENT

Attorney's Docket No. 5784-9 (35784/158956)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Shirley *et al.*

Appl. No.: 09/285,429

Filed: April 2, 1999

For: INJECTABLE FORMULATIONS CONTAINING SUCCINATE

Confirmation No.: 3707

Group Art Unit: 1653

Examiner: Chih-Min Kam

August 6, 2002

Commissioner for Patents  
Washington, DC 20231

**AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.111**

Sir:

Responsive to the Office Action mailed April 17, 2002, reexamination and reconsideration of the above-identified application is respectfully requested in view of the following amendments and remarks. The Examiner is respectfully requested to enter the following amendments.

In the Claims:

Please amend the claims as follows:

*B2*  
1. (Twice amended) A sterile injectable pharmaceutical composition comprising a pharmaceutically active agent and a buffer, wherein said buffer consists substantially of succinate at a concentration of about 10 mM to about 40 mM and a counterion.

*B2*  
9. (Amended) The composition of claim 1, further comprising a sufficient concentration of a tonicifying agent such that the composition is isotonic.

*B3*  
29. (Amended) The composition of claim 21, further comprising a sufficient concentration of a tonicifying agent such that the composition is isotonic.